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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yung-Seop Lee

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JAMES M. STOVER
TERADATA CORPORATION
2835 MIAMI VILLAGE DRIVE
MIAMISBURG, OH 45342

EXAMINER

CHOI, PETER H

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

04/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/782,149	Applicant(s) LEE, YUNG-SEOP	
	Examiner PETER CHOI	Art Unit 3623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-7 and 10-16.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/P. C./
 Examiner, Art Unit 3623

/Romain Jeanty/
 Primary Examiner, Art Unit 3623

Continuation of 11. does NOT place the application in condition for allowance because: the Applicant's arguments are not persuasive. Applicant argues that a prima facie case of obviousness with respect to claim 1 has not been established, arguing that neither Hughes or Jones teaches "fourth sorting the ordered plurality of customer records resulting from the third sorting into an order where the customer records having the same first discretized attribute scores are further sorted based on the assigned second discretized attribute scores associated with the second attribute.

The Examiner respectfully disagrees. In the rejection of claim 1, the combination of the Hughes and Jones et al. references were asserted to have taught the claimed invention set forth in claim 1. Hughes was asserted as having taught the "third sorting", in which customer records are sorted into an order (by most total dollar sales to least total dollar sales) based on the assigned first discretized attribute scores associated with the first attribute (monetary value). The Examiner asserts that based on that "third sorting", the customer records are again sorted into an order (by most frequent to least frequent) where the customer records having the same discretized attribute scores are further sorted based on the assigned discretized attribute scores associated with the second attribute (frequency), in that customer records are subdivided into groups based on the combined discretized attribute scores associated with the first and second attributes. In the "third sorting", customer records are sorted into 5 groups according to monetary value where the top 20% of customer records are given a code of "5", the next 20% is given a code of "4", and the final 20% being given a code of "1". After the "third" sorting, each customer record is encoded with a monetary value code, and no code for recency or frequency. The "fourth" sorting is performed where the customer records are sorted according to frequency. The customer records are still grouped together with other customer records (i.e., all the "5" customer records are grouped together in order of monetary value, all the "4's", "3's", "2's" and "1's" are grouped together as well). Upon the "fourth sorting", customer records are then sorted according to frequency, where, similar to monetary value, each record is given a code between 1 and 5 based upon their relative ranking. The customer records are then sorted into 25 groups depicting the possible combination of codes of monetary value and frequency; thus the "fourth sorting" relies upon the "third sorting". Hughes also teaches the claimed "fifth sorting", in which a customer record may be grouped into any of the 25 groups ranging from "5-5", "5-4", "5-3", "5-2", "5-1", "4-5", etc. to "1-1" based on the attribute values associated with at least the first and second attributes; thus, customer records with different attribute values associated with at least the first (monetary value) or second (frequency) attributes are sorted to different ranks (i.e., groups). The Examiner asserts that the placement of customer records into one of the 25 groups is based upon the "fourth" sorting, and based on the assigned second discretized attribute scores associated with the second attribute, frequency. Thus, the Examiner asserts that Hughes does indeed teach the "fourth sorting". Overall, Hughes and Jones et al. have been asserted as having taught all the claim limitations of the claimed invention as defined by claim 1, and the final rejection mailed January 23, 2008 clearly articulates that Hughes and Jones et al. are analogous references in the art of database marketing, providing the motivation to modify the references with a reasonable expectation of success not solely found in the applicant's disclose. Thus, the Examiner asserts that a prima facie case of obviousness has indeed been established with respect to claim 1.

Furthermore, the Examiner notes that the previous claim objections are withdrawn in view of the proposed amendment filed March 27, 2008..